

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

UNIVERSITY OF TENNESSEE RESEARCH
FOUNDATION,

Plaintiff,

v.

CAELUM BIOSCIENCES, INC.,

Defendant.

Case No. 3:19-CV-00508 (CEA) (DCP)

**DEFENDANT'S MOTION FOR EXPEDITED HEARING ON ITS
MOTION TO AMEND THE SCHEDULING ORDER**

Pursuant to Local Rule 7.2 and Judicial Preference No. 5 of the Honorable Judge Charles E. Atchley, Jr., Defendant Caelum Biosciences, Inc. (“Caelum”) respectfully requests that the Court schedule a hearing to hear oral argument, to the extent it prefers to hear one, on its Motion to Amend Scheduling Order (“Motion to Amend” and “Motion”) (ECF No. 265).

As good cause, and without repeating the arguments set forth in the Motion to Amend in totality, the current Scheduling Order mandates filing of all motions to exclude expert testimony, as well as all dispositive motions, by June 20, 2023 (“June Motions Deadline”). While Caelum has worked vigorously to meet all current deadlines, and the Parties have agreed to certain modifications, the Parties have been unable to reach an agreement on the June Motions Deadline, among other items. Plaintiff University of Tennessee Research Foundation and Caelum are currently working to complete all expert depositions by June 16, 2023. However, as explained in more detail in the Motion to Amend, the Parties will be left with little time to evaluate and challenge the proffered expert testimony. Additionally, the Parties will currently be forced to draft and file what will be complicated dispositive motions in a very narrow window after the conclusion of expert discovery.

Given the urgency of the June 20, 2023 deadline, should the Court prefer to hear oral argument on Caelum’s Motion, Caelum respectfully requests that a hearing be set as soon as the Court’s and Parties’ schedules allow, so that the Parties may operate with full knowledge of the status of the forthcoming deadlines.

Dated: June 7, 2023

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CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of June 2023, I have electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent to all parties and counsel of record by operation of the Court's CM/ECF system. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

/s/ John W. Elder